

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WESTFIELD EAST MAIN STREET LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. 04-30170-MAP
)	
C. DAVID TRADER, JEAN M. TRADER,)	
DONALD GOVE, MICHALE BRETON,)	
BRADFORD MOIR, MARY MOIR,)	
INTERSTATE BUILDING SUPPLY, INC. and)	
LUMBER CENTER, INC.,)	
)	
Defendants.)	
)	

PLAINTIFF'S MOTION TO DISMISS COUNTERCLAIMS

Pursuant to Fed. R. Civ. P. 12(b)(6), Plaintiff Westfield East Main Street LLC moves to dismiss defendants' counterclaims as untimely and for failure to state a claim upon which relief can be granted. As grounds for this Motion, Plaintiff relies on Plaintiff's Memorandum in Support of Motion to Dismiss Counterclaims, submitted herewith.

WHEREFORE, Plaintiff Westfield East Main Street LLC respectfully requests that the Court allow its Motion to Dismiss.

WESTFIELD EAST MAIN STREET LLC
By its attorneys,

/s/ David A. Brown

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LOCAL RULE 7.1(A)(2) CERTIFICATE

Pursuant to Local Rule 7.1(A)(2), the undersigned hereby certifies that I conferred with William J. Pudlo in a good faith effort to resolve or narrow the issues presented in this motion.

/s/ David A. Brown